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December 10, 2002

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: **Ex Parte** Presentation in IB Docket No. 01-185

Dear Ms. Dortch

On December 9, 2002, Gino Picasso, Charlene King and Mark Adams of Iridium Satellite LLC ("Iridium") and their counsel R. Michael Senkowski and Jennifer Hindin of Wiley Rein & Fielding LLP met with Commissioner Kevin Martin and Sam Feder.

Iridium requested that the Federal Communications Commission ("FCC") defer authorizing the two remaining Big LEO mobile satellite service ("MSS") licensees to provide ancillary terrestrial services ("ATC") in the 1610-1626.5/2483.5-2500 MHz bands (the "Big LEO bands") until the FCC corrects the current flawed band plan. The parties also reviewed the attached presentation and spectrum charts as well as Iridium's December 3, 2002 written *ex parte* presentation.<sup>1</sup>

Pursuant to Section 1.1206 of the FCC's rules, an original and one copy of this letter and the written presentation distributed at the meeting is being filed. Please do not hesitate to contact me with any questions.

Sincerely,

Jennifer D. Hindin

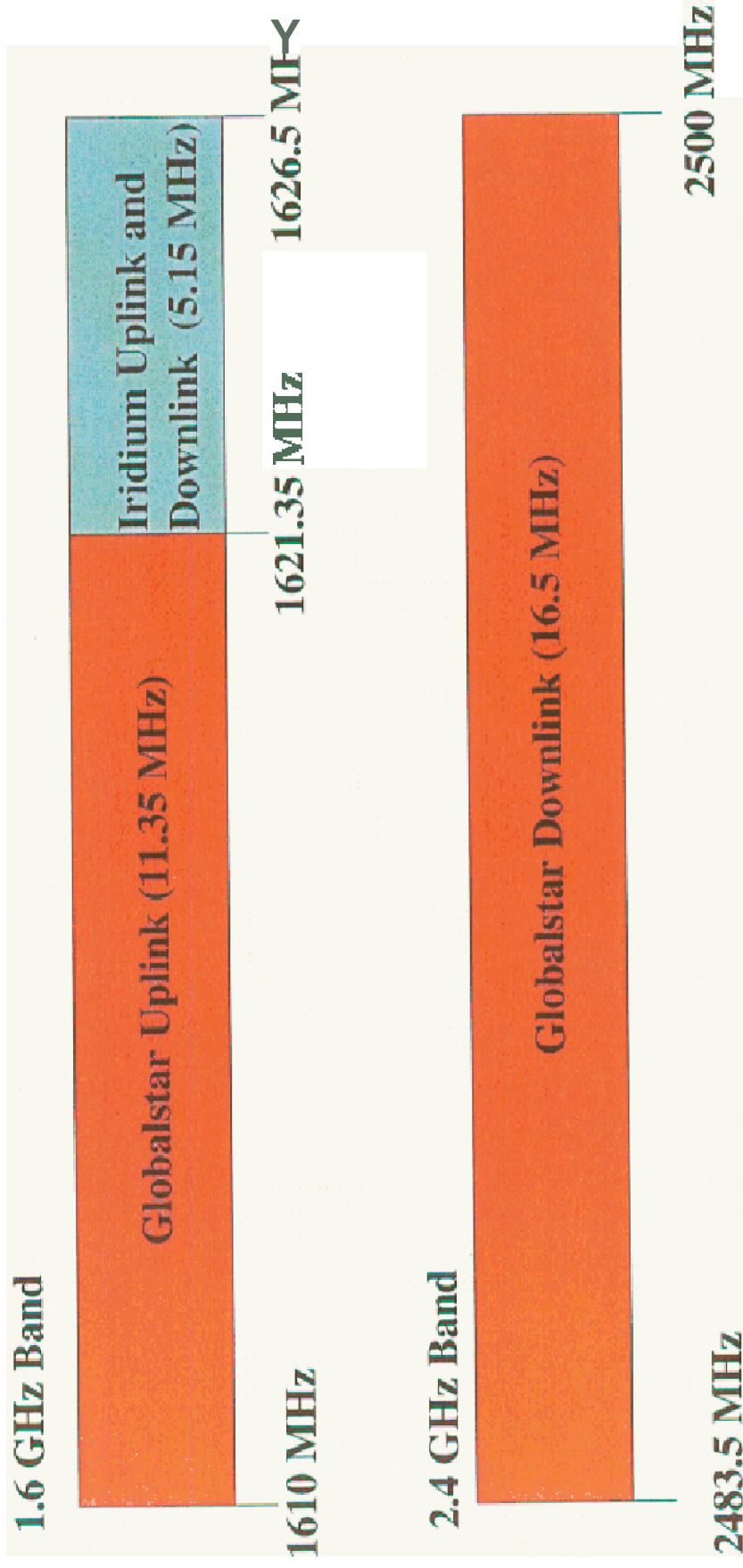
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<sup>1</sup> Letter from Richard E. Wiley, counsel to Iridium Satellite LLC, to Marlene H. Dortch, Secretary, FCC (dated Dec. 3, 2002).

## **IRIDIUM URGES THE COMMISSION TO DEFER AUTHORIZING BIG LEO ATC UNTIL IT REVISES THE OBSOLETE AND ANTICOMPETITIVE BAND PLAN**

- Iridium requests that the Commission defer a decision on ancillary terrestrial services (“ATC”) in the Big LEO bands until the agency establishes a pro-competitive band plan.
- The existing Big LEO band plan is obsolete and anticompetitive:
  - In 1994, the FCC anticipated that five Big LEO licensees would each have roughly proportional spectrum rights.
  - Today, only two licensees remain—Iridium and Globalstar
  - Globalstar has exclusive access to 27.85 MHz of “paired” spectrum that should have been shared with three other operators.
  - Iridium operates in a mere **5.15 MHz** of spectrum in which it performs both uplink and downlink operations.
- Iridium filed a Petition for Rulemaking to correct this competitive imbalance and acquire additional Big LEO spectrum necessary to satisfy growing customer needs.
- Authorizing provision of ATC in the Big LEO bands prior to reallocating spectrum would prevent competition.
  - The proposed ATC policy is based on the faulty premise that both Big LEO licensees are able to deploy ATC.
  - However, Iridium cannot offer ATC in its existing 5.15 MHz of spectrum.
  - In contrast, Globalstar, Iridium’s only competitor, currently has access to far more spectrum than it needs to continue MSS operations and deploy terrestrial services.
  - Therefore, adoption of an ATC policy without first ensuring that both Big LEO licensees have sufficient spectrum to offer both MSS and ATC would deny competition.
- Iridium proposes that the Commission ensure competition between the Big LEO licensees by allocating an additional 6 MHz of spectrum either within the 2.4 GHz or the 1.6 GHz band to Iridium and by reclaiming 10 MHz of spectrum for other spectrum users.
- In sum, the Commission must correct the current flawed band plan before—not after—authorizing ATC.

## BIG LEO BANDS Allocations and Assignments



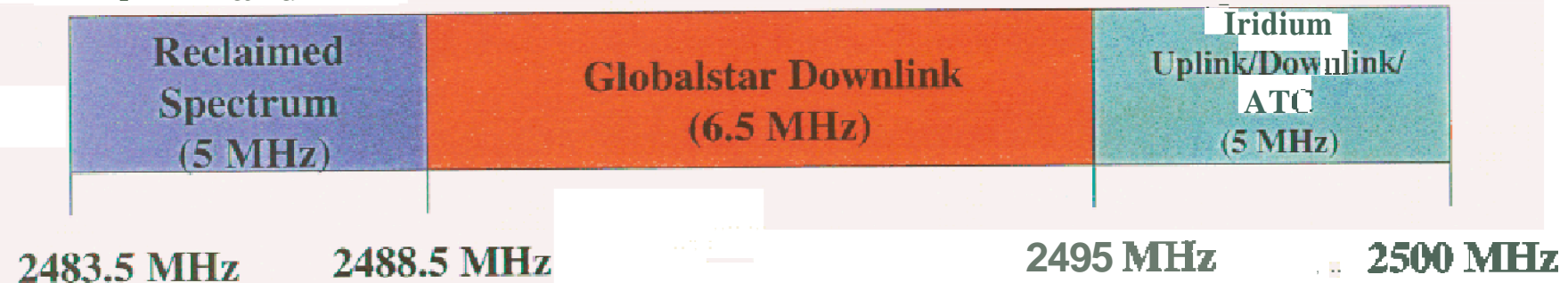
The CDMA uplink and downlink spectrum was to be shared among Globalstar, Odyssey, Ellipso and Constellation; however only Globalstar remains

## BIG LEO BANDS New Band Plan A

### 1.6 GHz Band



### 24 GHz Band



## BIG LEO BANDS New Band Plan B

### 1.6 GHz Band

Globalstar Uplink  
and ATC (5.35 MHz)

Iridium Uplink, Downlink  
and ATC (11.15 MHz)

1610 MHz

1615.35 MHz

1626.5 MHz

### 2.4 GHz Band

Globalstar Downlink  
and ATC (6.5 MHz)

Reclaimed Spectrum  
(10 MHz)

2483.5 MHz

2490 MHz

2500 MHz